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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,444	08/28/2003	Hiroko Mano	RCOH-1065	6735

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07/25/2008

EXAMINER

TIMBLIN, ROBERT M

ART UNIT

PAPER NUMBER

2167

MAIL DATE

DELIVERY MODE

07/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/650,444	Applicant(s) MANO ET AL.
Examiner ROBERT TIMBLIN	Art Unit 2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 7/10/2008
13. ☐ Other: _____.

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167

/ROBERT TIMBLIN/
Examiner, Art Unit 2167

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues in the reply submitted 6/10/2008 that the cited Dehlinger reference fails to teach the limitation (found in at least claims 15, 37 and 59) reciting word candidates substantially more occurring in one of the first text database and the second text database but substantially less occurring in the other one of the first text database and the second text database are avoided in the search words

The Examiner disagrees because Dehlinger remains to teach at least this element. That is, in Dehlinger's teachings, the frequency of a word candidate is found in a plurality of libraries (Dehlinger, 0162). The Examiner submits that in the calculation Dehlinger uses (see 0162), that the candidates are comparatively searched in each of the libraries. From comparing the frequencies of each of the word candidates in the libraries, the Examiner submits that the word(s) in Dehlinger comparatively found the same number of times in each library are selected (i.e. pass a given threshold) as search words. Thus in this teaching, because the words that occur essentially the same in both libraries give a higher selectivity value and are selected over a given threshold, Applicant's claim is anticipated. Put another way, because a word that occurs frequently in one database and not frequently in another would not be selected and thus avoided by Dehlinger as a search word.

In a simple hypothetical example, if a word in Dehlinger occurs 9 out of 10 times in library I and 8 out of 10 times in library II, then a selectivity value of 1.125 (i.e. $(9/10) / (8/10)$) would be produced. Likewise, if a candidate word were to occur 3 out of 10 times in library I and 9 out of 10 times (i.e. "substantially more" in one library and "substantially less" in library II, this word would yield a selectivity value of approx. .33 (i.e. $((3/10) / (9/10))$) and thus not likely pass Dehlinger's threshold (and therefore is avoided) as a search word.

In summary, as Dehlinger teaches the selection of a word that substantially occurs the same in a plurality of libraries and avoids a word that occurs frequently in one library and not another (i.e. substantially more in one and substantially less in the other) that this claim limitation is anticipated.

Further, the Applicant argues that Dehlinger doesn't teach their libraries to be in substantially different styles. The Examiner disagrees and submits that Dehlinger at least teaches containing a patents database and a case reporters database (e.g. at least paragraph 0004, 0038) each of which is known to have substantially different writing styles. For example a patent claim is written in a different style and vocabulary than a case report.

On a further remark, the Applicant is to note that the claims have been given their most reasonably broad interpretation (as per MPEP 2111). Also, Applicant is to note that the word "substantially" is a broad term (as provided by MPEP 2173.05(b) and has been given a broad interpretation accordingly.

For the above reasons, the final Office Action is sustained.

In addition, the IDS filed 7/10/2008 has been entered and considered.